

2. NGM received two claims against the Bond by Scott King and Harvey Pendleton (collectively "the Defendants"). Said bond claims exceeded the penalty of the Bond. In view of the Defendants' adverse and conflicting interests and the aggregate amount of the bond claims at the time the Complaint was filed, NGM was unable to make an apportionment of the remaining bond penalty among the Defendants and, therefore, filed the instant action.

4. Contemporaneously with the filing of the instant action, NGM deposited the bond penal amount of \$10,000.00 into the registry of the Court.

5. On July 27, 2010, Harvey Pendleton, appearing *pro se*, filed an Answer to the Interpleader Complaint. On July 30, 2010, Scott King, also appearing *pro se*, filed an Answer to the Interpleader Complaint. The Defendants assert in their respective answers that they agree as to the proper apportionment of the interpleaded funds between them as follows: (1) \$5,630.14 of the interpleaded funds should go to Scott King; and (2) \$4,369.86 of the interpleaded funds should go to Harvey Pendleton.

6. The Court finds that: (a) that this action was filed by NGM, which had in its custody or possession money of the value of \$500.00 or more; (b) that there were two or more adverse claimants of diverse citizenship as defined in 28 U.S.C. § 1332 claiming to be entitled to such money; and (c) that NGM deposited such money into the registry of the Court. Therefore, the requirements of 28 U.S.C. § 1335 were met and this Court has original jurisdiction over this matter.

CONCLUSIONS OF LAW

1. To the extent that any of the foregoing Findings of Fact are deemed, or constitute, Conclusions of Law, those Findings of Fact are restated and incorporated herein.
2. The captioned action is a proper action or proceeding for interpleader under 28 U.S.C. § 1335 and for determination of the respective rights, if any, of the Defendants to the Bond and the remaining Bond penalty.
3. This Court has jurisdiction over the subject matter of this action and the parties thereto. The Joint Motion For Determination of Interpleader Complaint and Distribution should be granted.
4. The amount of the bond penalty under the Bond is a total of \$10,000.00, and said total has been deposited into the registry of the Court.
5. The \$10,000.00 deposited into the Registry of the Court shall be distributed as follows:
 - (a) Scott King to receive \$5,630.14 of the interpleaded funds; and
 - (b) Harvey Pendleton to receive \$4,369.86 of interpleaded funds.
6. NGM is discharged from any and all further liability to the Defendants.

[REDACTED]

It is therefore **ORDERED, ADJUDGED AND DECLARED** that:

1. The captioned action is a proper action or proceeding for interpleader under 28 U.S.C. § 1335 and for determination of the respective rights, if any, of the

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Defendants to the Bond and to the remaining Bond penalty, and this Court has jurisdiction over the subject matter of this action and the parties thereto.

2. The Joint Motion for Determination of Interpleader Complaint and Distribution is granted, *to the extent provided for in this order.*

*JL, USDJ
11/18/10*

3. The \$10,000.00 deposited into the Registry of the Court shall be distributed as follows: (a) Scott King to receive \$5,630.14 of the interpleaded funds; and (b) Harvey Pendleton to receive \$4,369.86 of interpleaded funds.

4. NGM is discharged from any and all future liability to the Defendants under the Bond.

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[REDACTED]

6. NGM is dismissed from the interpleader claim;

7. The Defendants are permanently restrained and enjoined from instituting or prosecuting any action or proceeding against NGM or the Bond in any federal or state court.

8. All claims that the Defendants may have concerning the funds on deposit or NGM's obligations with respect to those funds are fully and finally resolved by this decree.

SO ORDERED:

Dated: *11/18/10*

[Signature] *11/18/10*
United States District Judge